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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-975*

13 **ANN BARBARA NEWMAN, AKA ANN**
14 **BARBARA PARKS, AKA ANN BARBARA**
15 **DONALDSON, AKA ANN BARBARA**
16 **PEARCE**
46 North Hayes Road
Lapeer, MI 48446
Registered Nurse License No. 480167

A C C U S A T I O N

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 31, 1992, the Board of Registered Nursing issued Registered
23 Nurse License Number 480167 to Ann Barbara Newman, aka Ann Barbara Parks, aka Ann
24 Barbara Donaldson, aka Ann Barbara Pearce ("Respondent"). The Registered Nurse License
25 expired on February 28, 2010, and has not been renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code ("Code") unless otherwise indicated.

5 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
6 any licensee, including a licensee holding a temporary or an inactive license, for any reason
7 provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

8 **STATUTORY PROVISIONS**

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10 5. Section 118, subdivision (b) of the Code provides, in pertinent part:

11 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
12 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
13 order of a court of law, or its surrender without the written consent of the board, shall not, during
14 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
15 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
16 provided by law or to enter an order suspending or revoking the license or otherwise taking
17 disciplinary action against the licensee on any such ground."

18 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
19 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
20 licensee or to render a decision imposing discipline on the license.

21 7. Section 2761 of the Code provides, in pertinent part:

22 "The board may take disciplinary action against a certified or licensed nurse or deny an
23 application for a certificate or license for any of the following:

24 (a) Unprofessional conduct, which includes, but is not limited to, the following:

25 ...
26 (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary
27 action against a health care professional license or certificate by another state or territory of the
28 United States, by any other government agency, or by another California health care professional
licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
action ..."

29 **COST RECOVERY**

30 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
31 administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Disciplinary Action by the Michigan State Board of Nursing)**

5 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
6 (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the
7 Michigan State Board of Nursing ("Michigan Board").

8 10. On or about August 23, 2010, pursuant to the Consent Order and Stipulation
9 issued by the Michigan Board, in the disciplinary action entitled *In the Matter of: Ann Barbara*
10 *Newman, R.N. f/k/a Ann Barbara Parks License No. 47-04-145616*, the Michigan Board
11 disciplined Respondent's registered nurse license by suspending Respondent's license for six
12 months and one day. The basis for the Consent Order is as follows:

13 a. On or about February 22, 2010, the Michigan Board filed an Administrative
14 Complaint against Respondent's Registered Nurse License.

15 b. The Administrative Complaint alleged that Respondent failed to undergo an
16 evaluation by the Health Professional Recovery Program as instructed by the Michigan Board,
17 after Respondent was charged in criminal court with driving while under the influence of valium.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct)**

20 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
21 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
22 particularly described in paragraph 10, subparagraphs (a) and (b), inclusive, above, and herein
23 incorporated by reference.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 480167, issued to Ann
28 Barbara Newman, aka Ann Barbara Parks, aka Ann Barbara Donaldson, aka Ann Barbara Pearce;

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2 2. Ordering Ann Barbara Newman, aka Ann Barbara Parks, aka Ann Barbara
3 Donaldson, aka Ann Barbara Pearce to pay the Board of Registered Nursing the reasonable costs
4 of the investigation and enforcement of this case, pursuant to Business and Professions Code
5 section 125.3;

6 3. Taking such other and further action as deemed necessary and proper.
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8

9
10 DATED:

June 13, 2011

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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